S.B.CRIMINAL MISC. PETITION NO.416/2007

Date : 26.07.2007

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Ashok Upadyaya, Public Prosecutor for the State.

By this criminal misc. petition clarification has been sought in regard to the order passed by this Court in S.B. Criminal Misc. Bail Application No.5113/2006 (Arvind Kumar Vs. State). The Court passed the order and gave direction to the petitioner that he shall surrender himself before Investigating Officer/SHO in FIR No.445/2006 P.S. Balotra, District Barmer and the Investigating Officer after surrendering the petitioner shall produce him before the concerned court and if any application is moved for bail, the concerned Court shall decide the same on the very same day in accordance with law.

It has been submitted that after passing of the said order, the accused petitioner did not surrender, therefore, clarification is sought that since accused petitioner did not surrender, the Investigating Officer can take suitable action in the matter or not.

In the above order, it is clearly stated that the applicant shall appear before the Investigating Officer and since he has not complied with the directions of the Court, therefore, the Investigating Officer is free to take steps in the matter in accordance with law.

With above clarification, the misc. petition stands disposed of.

(SATYA PRAKASH PATHAK), J.